

EXHIBIT A

In the Matter of:
WILLIAM T. JACKLING
v
HSBC BANK USA, NA, et al

WILLIAM T. JACKLING

June 05, 2019



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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

WILLIAM T. JACKLING,

Plaintiff,

Civil Action No. 6:15-CV-06148-FPG

v.

HSBC BANK USA, N.A. (USA) and
HSBC MORTGAGE CORPORATION (USA),

Defendants.

Continuing Deposition Upon Oral Examination of:

William T. Jackling

Location: Phillips Lytle, LLP
28 East Main Street, Suite 1400
Rochester, New York 14614

Date: June 5, 2019

Time: 2:00 p.m.

Reported By: MARY ELIZABETH PHILLIPS

Alliance Court Reporting, Inc.

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Rochester, New York 14604



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A P P E A R A N C E S

Appearing on Behalf of Plaintiff:

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* * *



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S T I P U L A T I O N S

WEDNESDAY, JUNE 5, 2019;

(Proceedings in the above-titled matter
commencing at 2:00 p.m.)

* * *

IT IS HEREBY STIPULATED by and between the
attorneys for the respective parties that this
deposition may be taken by the Defendant at this time
pursuant to notice;

IT IS FURTHER STIPULATED, that all
objections except as to the form of the questions and
responsiveness of the answers, be reserved until the
time of the trial;

IT IS FURTHER STIPULATED, that pursuant to
Federal Rules of Civil Procedure 30(e)(1) the witness
requests to review the transcript and make any
corrections to same before any Notary Public;

IT IS FURTHER STIPULATED, that if the
original deposition has not been duly signed by the
witness and returned to the attorney taking the
deposition by the time of trial or any hearing in this
cause, a certified transcript of the deposition may be
used as though it were the original;

IT IS FURTHER STIPULATED, that the
attorneys for the parties are individually responsible



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2 for their certified transcript charge, including any
3 expedite or other related production charges in
4 accordance with Rochester Rules;

5 AND IT IS FURTHER STIPULATED, that the
6 Notary Public, Mary Elizabeth Phillips, may administer
7 the oath to the witness.

8 * * *

9 (The following exhibit was marked for
10 identification: EXH Number 43.)

11 WILLIAM T. JACKLING,

12 re-called herein as a witness, first being
13 re-sworn, continued to testify as follows:

14 CONTINUING EXAMINATION BY MR. FLANSBURG:

15 Q. Good afternoon, Mr. Jackling. My name is
16 Chad Flansburg, and we're here today for the
17 continuation of your deposition. The same rules that
18 we previously went over are still in effect. Do you
19 understand that?

20 A. Yes. To be honest I don't remember, but
21 whatever they are.

22 Q. Okay. Well, let me go over them so we're
23 sure that you understand. Although we're in an
24 informal setting, you understand that you're under
25 oath the same as you would be if this were a courtroom



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2 Q. Do you believe that charge-off that is
3 referenced in there is that Target credit card
4 charge-off?

5 A. How would I know?

6 Q. Fair enough. Let me ask this question,
7 this broader question.

8 A. Okay.

9 Q. Let me ask this: Do you have a personal
10 knowledge regarding why the Summit Federal Credit
11 Union denied you credit as indicated in Exhibit 37,
12 personal knowledge?

13 A. What do you mean by that, do I have any
14 personal knowledge?

15 Q. So let me ask it even broader then.

16 A. All right.

17 Q. Did you speak with anybody from the Summit
18 Federal Credit Union regarding why they denied your
19 credit?

20 A. No.

21 Q. Did you speak with anybody in any
22 affiliated organization of Summit Federal Credit Union
23 regarding why you were denied credit relative to
24 Cortese --

25 A. Yes.



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2 Q. -- Ford Lincoln?

3 A. Yes.

4 Q. Who did you speak with?

5 A. The credit manager at Cortese.

6 Q. At Cortese, but Cortese you would agree
7 with me is not part of Summit Federal Credit Union.

8 A. Right, but he deals with these people all
9 the time, and he said the same thing.

10 Q. And we'll get to that. We'll get to that.
11 My question I just want to talk about Summit Federal
12 Credit Union. Did you speak with anybody at Summit
13 Federal Credit Union or any affiliate of Summit Credit
14 Union regarding why you were denied credit?

15 MR. SHAPIRO: Form of the question. I
16 don't know what you mean by an affiliate.

17 A. Cortese.

18 Q. Let me re-ask it. And to simplify, let me
19 just see if you agree with this. You didn't speak
20 with anybody from the Summit Federal Credit Union
21 regarding why you were denied credit as indicated in
22 Exhibit 37, the denial of credit dated February 13th,
23 2015; right?

24 A. Yup.

25 Q. So --



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2 A. I talked to -- why would I talk to them?

3 MR. SHAPIRO: He's answered the question
4 before. His answer was no. He answered the question
5 about four questions ago.

6 Q. All right. So you didn't speak with
7 anybody.

8 A. I spoke to Cortese. I told you that.

9 Q. Absent Cortese, you didn't speak with
10 anybody else.

11 A. No. And I asked him why they denied it,
12 and he put it in writing.

13 Q. All right. I'm going to go to your
14 affidavit. Next is Exhibit 20.

15 A. Okay.

16 Q. That's also referenced in that paragraph D
17 as in dog. Can you identify what that is?

18 A. T&D Auto Finance statement of credit
19 denial, termination, on charge whatever that means.

20 MR. SHAPIRO: Or change.

21 A. Or change.

22 Q. So would you agree with me that this is a
23 notification from TD Auto Finance relative to a credit
24 request for your potential purchase of a vehicle from
25 Cortese Ford?



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2 A. Yes.

3 Q. Okay. This also denies you credit; right?

4 A. Yes.

5 Q. Did you speak with anybody from TD Auto
6 Finance regarding why you were denied credit?

7 A. I don't believe so. I go through the
8 credit bureau. That's the guy that I was talking to,
9 the credit manager at Cortese. And he said, "As long
10 as the mortgage is on your thing, you're not going to
11 get credit other than if Pat can get it for you." And
12 this came from TransUnion.

13 Q. So you would agree with me that you have
14 no personal knowledge why TD Auto made the decision to
15 deny you credit?

16 MR. SHAPIRO: Other than the notice that's
17 here?

18 Q. Yeah, other than this notice.

19 A. I do have personal knowledge because I
20 work with credit all the time, and you have to realize
21 when any credit people read a credit thing, the first
22 thing they see is your mortgage. And if you haven't
23 paid your mortgage or the bank says you haven't paid
24 your mortgage, it's a done deal. You aren't going to
25 get credit. And they even put that in writing.



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2 just a mistype because he said he sent it out to five
3 banks, and I'm sure I got back five letters.

4 Q. But you don't have any knowledge of what
5 Exhibit 39 is other than what it says in there; right?

6 A. That's right.

7 Q. You can testify that you didn't apply for
8 credit at Valenti Ford, Mystic, Connecticut, did you?

9 A. Not that I know of. No, I did not.

10 Q. And since the document is dated March 6th,
11 2015, that is a time period much later than when you
12 were at Cortese in February of 2015; right?

13 A. I believe it is, yeah.

14 Q. Now, based on that, would you agree with
15 me that this denial of credit is not connected to any
16 credit application you made at Cortese?

17 A. You're stretching my memory.

18 MR. SHAPIRO: It's either yes, no, or you
19 don't remember.

20 A. I don't remember. I believe this would be
21 Cortese, but I'd have to ask them; you know what I
22 mean? I'd have to ask him where he sent it. The name
23 doesn't mean anything to me.

24 THE WITNESS: Can we write that one down?

25 Q. Now, did you ever speak with anybody at



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2 Fifth Third Bank regarding why you were denied credit?

3 A. No.

4 Q. Now, you've testified that you did have a
5 conversation with somebody at Cortese why you were
6 denied credit; right?

7 A. Yes.

8 Q. And who did you speak with?

9 A. Credit manager.

10 Q. Do you remember what his name was?

11 A. No, I don't.

12 Q. How many conversations did you have with
13 him regarding why you were denied credit?

14 A. Maybe three or four.

15 Q. Always with the same person?

16 A. Yes.

17 Q. Was it ever with anybody else other than
18 this credit manager?

19 A. No.

20 Q. Do you know if this credit manager is
21 still at Cortese?

22 A. No, I don't.

23 Q. When is the last time you've had any
24 conversation with this person at Cortese?

25 A. Probably 2015.



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C E R T I F I C A T I O N
STATE OF NEW YORK:
COUNTY OF MONROE:

I, MARY ELIZABETH PHILLIPS, do hereby
certify that the foregoing testimony was duly sworn
to; that I reported in machine shorthand the foregoing
pages of the above-styled cause, and that they were
produced by computer-aided transcription (CAT) under
my personal supervision and constitute a true and
accurate record of the testimony in this proceeding;

I further certify that the witness
requests to review the transcript;

I further certify that I am not an
attorney or counsel of any parties, nor a relative or
employee of any attorney or counsel connected with the
action, nor financially interested in the action;

WITNESS my hand in the City of Rochester,
County of Monroe, State of New York.

Mary Elizabeth Phillips

MARY ELIZABETH PHILLIPS,

Freelance Court Reporter and

Notary Public No. 10SE6156762

in and for Monroe County, New York



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